

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

MAXWELL KADEL, *et al.*;

*Plaintiffs,*

v.

DALE FOLWELL, in his official capacity  
as State Treasurer of North Carolina, *et al.*,

*Defendants.*

1:19-cv-00272-LCB-LPA

**MOTION FOR LEAVE TO FILE BRIEF OF *AMICI CURIAE* THE  
AMERICAN MEDICAL ASSOCIATION AND SEVEN ADDITIONAL  
HEALTH CARE ORGANIZATIONS IN SUPPORT OF PLAINTIFFS**

Pursuant to LR 7.5(b), *Amici Curiae* seek leave to file an *amicus curiae* brief in support of Plaintiffs' Motion for Summary Judgment against Defendants Dale Folwell, *et al.* Proposed *Amici Curiae* are eight leading medical organizations: the American Academy of Pediatrics, American College of Obstetricians and Gynecologists, the American Medical Association, American Psychiatric Association, the Endocrine Society, the North American Society for Pediatric and Adolescent Gynecology, National Association of Nurse Practitioners in Women's Health, and the Society of OB/GYN Hospitalists.

**IDENTITY OF AMICI CURIAE**

*Amici curiae* are eight leading medical, mental health, and other health care organizations. Collectively, *amici* represent hundreds of thousands of physicians and

mental-health professionals, including specialists in family medicine, mental health treatment, internal medicine, endocrinology, obstetrics and gynecology, and thousands of nurses.

*Amicus* the American Academy of Pediatrics (“AAP”) represents 67,000 primary care pediatricians, pediatric medical subspecialists, and surgical specialists who are committed to the attainment of optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults. In its dedication to the health of all children, the AAP strives to improve health care access and eliminate disparities for children and teenagers who identify as lesbian, gay, bisexual, transgender, or for those questioning their sexual or gender identity.

*Amicus* the American College of Obstetricians and Gynecologists (“ACOG”) is a national organization of more than 62,000 women’s health care physicians and medical professionals. ACOG’s membership represents more than 90 percent of all board-certified obstetrician-gynecologists (ob-gyns) in the United States. ACOG advocates for quality health care for women, maintains the highest standards of clinical practice and continuing education of its members, promotes patient education, and increases awareness among its members and the public of the changing issues facing women’s health care. ACOG has appeared as *amicus curiae* in courts throughout the country. ACOG’s briefs and medical practice guidelines have been cited by numerous authorities, including the U.S. Supreme Court.

*Amicus* the American Medical Association (“AMA”) is the largest professional association of physicians, residents, and medical students in the United States. Additionally, through state and specialty medical societies and other physician groups seated in its House of Delegates, substantially all physicians, residents, and medical students in the United States are represented in the AMA’s policy-making process. The AMA was founded in 1847 to promote the art and science of medicine and the betterment of public health, and these remain its core purposes. AMA members practice in every medical specialty and in every state, including North Carolina.

*Amicus* American Psychiatric Association (“APA”), with more than 37,400 members, is the Nation’s leading organization of physicians who specialize in psychiatry. The American Psychiatric Association has participated in numerous cases in the Supreme Court and in the United States Courts of Appeals. The American Psychiatric Association opposes all public and private discrimination against transgender and gender-diverse individuals, including in health care. *See* Jack Drescher *et al.*, Am. Psychiatric Ass’n, *Position Statement on Discrimination Against Transgender and Gender Diverse Individuals* 1 (2018), <https://www.psychiatry.org/File%20Library/About-APA/Organization-Documents-Policies/Policies/Position-2018-Discrimination-Against-Transgender-and-Gender->

Diverse-Individuals.pdf [hereinafter “Am. Psychiatric Ass’n, *Position Statement on Discrimination*”].

*Amicus* the Endocrine Society is the oldest and largest global professional membership organization representing the field of endocrinology. The Endocrine Society’s more than 18,000 members care for patients and are dedicated to advancing hormone research and excellence in the clinical practice of endocrinology, focusing on diabetes, obesity, osteoporosis, infertility, rare cancers, and thyroid conditions.

*Amicus* the North American Society for Pediatric and Adolescent Gynecology (“NASPAG”) is dedicated to providing multidisciplinary leadership in education, research and gynecologic care to improve the reproductive health of youth. Its focus is to serve and be recognized as the lead provider in PAG education, research and clinical care, conduct and encourage multidisciplinary and inter-professional programs of medical education and research in the field of PAG, and advocate for the reproductive well-being of children and adolescents and the provision of unrestricted, unbiased and evidence based practice of PAG.

*Amicus* the National Association of Nurse Practitioners in Women’s Health (“NPWH”) is a national professional membership organization. NPWH is the nation’s leading voice for courageous conversations about women’s health. NPWH represents nearly 12,000 certified women’s health nurse practitioners in the United

States. In its clinics and in its culture, women's health nurse practitioners champion state-of-the-science healthcare that holistically addresses the unique needs of women across their lifetimes. NPWH elevates the health issues others overlook and compel attention on women's health from providers, policymakers, and researchers.

Other advanced practice registered nurses rely on NPWH for authoritative resources and education that improve women's health and wellness through evidence-based practice. NPWH pioneers policies to address gender disparities and forges strategic partnerships that advance health equity and holistic models of care. NPWH's mission is to ensure the provision of quality primary and specialty healthcare to women of all ages by women's health and women's health-focused nurse practitioners and includes protecting and promoting a woman's right to make her own choices regarding her health within the context of her personal, religious, cultural, and family beliefs.

Since its inception in 1980, NPWH has been a trusted source of information on nurse practitioner education, practice, and women's health issues. NPWH works with a wide range of individuals and groups within nursing, medicine, the healthcare industry, and the women's health community.

*Amicus* the Society of OB/GYN Hospitalists ("SOGH") is a national organization of more than 1,500 women's healthcare physicians and medical professionals and is the only national medical subspecialty organization whose

members specialize in inpatient obstetrics and gynecologic care. The SOGH is committed to improving outcomes for hospitalized women and to patient safety and quality care for all women. As frontline, hospital-based providers of women's healthcare, the SOGH is uniquely positioned to advocate for justice and tolerance through evidence-based care, research, and policy development. The SOGH rejects discriminatory practices that jeopardize patient care.

### **INTEREST OF AMICI CURIAE**

All *amici* share a commitment to improving the physical and mental health of all Americans—regardless of gender identity—and to informing and educating lawmakers, the judiciary, and the public regarding the public-health impacts of laws and policies. *Amici* submit this brief to inform the Court of the medical consensus regarding what it means to be transgender; the protocols for the treatment of gender dysphoria, which include living in accordance with one's gender identity in all aspects of life; and the predictable harms to the health and well-being of transgender individuals who are denied access to necessary medical treatments to do so.

### **SERVICE TO THE COURT**

*Amici* feel a responsibility to inform this Court about the nearly-universally agreed upon best practices when treating transgender individuals for gender dysphoria and providing gender-conforming care. *Amici*, as leading healthcare providers both within the State of North Carolina and beyond, are in a unique

position to inform the Court about the proper treatments for people experiencing gender dysphoria, the negative health outcomes when gender dysphoria is left untreated, and other health concerns that could arise from lack of coverage by State health care plans. *Amici* believe that the information contained in their proposed brief will assist the Court in its deliberations on the present motion by presenting a complete and accurate description of the medical conditions and treatments at issue in the pending case.

Proposed *Amici Curiae* therefore respectfully request that the Court grant them permission to file an *amicus curiae* brief in support of Plaintiffs, Mr. Maxwell Kadel, *et al.*, in support of their motion for summary Judgment against Defendants Folwell, *et al.* A proposed order is attached.

Counsel for *Amici Curiae* reached out to the parties to seek consent to file this motion. Counsel for Plaintiffs consented to the filing of the amicus brief, and counsel for the Defendants did not.

Respectfully submitted, this the 30th day of November, 2021.

/s/ Sarah M. Saint

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## **CERTIFICATE OF SERVICE**

I hereby certify that, on this date, the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's Electronic Filing System to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

Respectfully submitted, this the 30th day of November, 2021.

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## CORPORATE DISCLOSURE STATEMENT

Pursuant to LR 7.5(e) I certify that all *amici curiae* are non-profit organizations. They do not have parent corporations and do not issue stock.

Dated: November 30, 2021

/s/ Sarah M. Saint

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